

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Jeffrey L. Rice, et al.

Group Art Unit: 1771

Serial No.: 10/065,639

Examiner: Cheryl Ann Juska

Filed: November 5, 2002

For: RECYCLABLE, RUBBER-LIKE THERMOPLASTIC BACKING
MATERIAL USED IN A THROW-IN MAT FOR A VEHICLE FLOOR

Attorney Docket No.: 3707 (LC 0101 PUS)

I hereby certify that this correspondence is being sent via facsimile to: Attn: Examiner Cheryl Ann Juska,
Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 fax number
(703) 872-9308 on:

July 7, 2005
(Date of Deposit)

Angie Moscovitz


(Signature)

DECLARATION UNDER 37 C.F.R. 1.131

We, Jeffrey L. Rice, Steve P. Hammond, Randy Heckendorn, Randy Boyd,
and Dennis Young, declare that:

1. We are the co-inventors of claims 12-17, 19 and 21 of the above-identified patent application.
2. We have reviewed U.S. Patent No. 6,787,593 to Bell et al. ("Bell") in conjunction with the above-identified patent application.
3. Bell discloses the use of highly filled metallocene ethylene-octene copolymers having a melt index between about 1 and 10 for use in a sound-deadening backing sheet for use in unsupported sheets, parts or carpet backing. The addition of large amounts of filler, as well as the use of an ethylene-octene copolymer having a melt index range of between 1 and 10, are both crucial properties in Bell to achieve far superior sound absorbing capabilities while meeting the demand of balanced properties of impact strength, tensile, elongation, flex modulus and specific gravity. These

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composite materials also satisfy the requirements of resistance to cold, mildew fogging and flammability.

4. In our opinion, the highly filled metallocene ethylene-octene copolymers having a melt index between about 1 and 10 described in Bell could not be used in forming the throw-in mat having a rubber-like feel as disclosed in claims 12-17, 19, and 21 of the above-identified application, because the copolymer described in Bell does not have the flow properties essential to form complete nibs. In our opinion, the use of this copolymer would form incomplete nibs that would break off easily during use.

5. It is also our opinion that changing removing most or all of the filler from Bell, or changing the melt index range in Bell, would individually negatively affect the sound absorbing capabilities in Bell while meeting the demand of balanced properties of impact strength, tensile, elongation, flex modulus and specific gravity. Thus, in our opinion, changing either of these properties would not be contemplated in Bell.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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